

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ADELA MOLINA, LETICIA HERNANDEZ, and  
VERONICA GUTIERREZ, on behalf of  
themselves and others similarly situated,

Plaintiffs,

v.

HUAXCUAXTLA RESTAURANT CORP., EL  
CERRITO RESTAURANT, COMERCIAL  
MEXICANA CORP., and NOLBERTO  
MARTINEZ CRISANTOS and ISABEL  
ROMERO, in their individual and professional  
capacities,

Defendants.

Civil Case No.: 1:20-cv-02481-LGS

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
CONDITIONAL CERTIFICATION  
OF A COLLECTIVE ACTION**

**WHEREAS**, on August 21, 2020, Plaintiffs moved for Conditional Certification of a Collective Action under Section 216(b) of the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.*;

**WHEREAS**, Plaintiffs submitted proposed Notices of Pendency and Consent Forms to be sent via U.S. mail (Declaration of Patrick J. Collopy (“Collopy Decl.”), Exhibit E),<sup>1</sup> proposed Notices of Pendency to be sent via email (Ex. F), proposed Notices of Pendency to be sent via text message (Ex. G), and proposed Notices of Pendency to be posted in Defendants’ workplaces (Ex. H);

**WHEREAS**, by Order dated July 21, 2020, Defendants were directed to file any opposition to Plaintiffs’ motion by September 4, 2020 (ECF No. 37);

**WHEREAS**, Defendants did not file an opposition;

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<sup>1</sup> Unless otherwise noted, all references to exhibits to the Collopy Decl. are hereinafter cited as “Ex. \_\_\_\_.”

**WHEREAS**, on September 8, 2020, Plaintiffs filed a supplemental Memorandum of Law in further support of their Motion for Conditional Certification of a Collective Action (ECF No. 44);

**WHEREAS**, by Order dated September 8, 2020, Defendants were directed to file any opposition to Plaintiffs' motion by September 11, 2020 (ECF No. 45);

**WHEREAS**, Defendants were advised that if they did not file an opposition, the collective may be conditionally certified (*id.*);

**WHEREAS**, Defendants have not opposed Plaintiffs' Motion for Conditional Certification of a Collective Action;

**WHEREAS**, Defendants have not opposed the proposed Notices of Pendency; and

**NOW, WHEREFORE**, the Court, having considered Plaintiffs' Motion for Conditional Certification of a Collective Action and the proposed Notices of Pendency, and for good cause

shown, hereby **ORDERS** as follows:

Plaintiffs' Motion for Conditional Certification of a Collective Action is **GRANTED**.

The notices are approved in the form provided in Exhibits E, F, G and H of the Collopy Decl. at Dkt. No. 43. The definition of the FLSA collective action is as follows: "All workers who have been employed by Huaxcuaxtla, El Cerrito, Comercial, Nolberto Martinez Cristanos, or Isabel Romero at any time from March 20, 2017 to the present."

The Court further **ORDERS**:

- a. Defendants to provide contact information (names, last known home addresses, home and mobile telephone phone numbers, and email addresses) for the conditionally certified FLSA Collective on or before October 2, 2020;
- b. The parties to disseminate all Notices to the conditionally certified FLSA Collective on or before October 9, 2020;
- c. Plaintiffs' Notices of Pendency (Ex. H) is to be posted in Defendants' workplaces on or before October 9, 2020 and remain up through the end of

the notice period; and

- d. The notice period is to remain open for at least 75 days from the issuance

of Notices.

The conference scheduled for October 1, 2020, at 10:50 a.m., is CANCELLED.

**IT IS SO ORDERED.**

The Clerk of Court is respectfully directed to close Dkt. No. 41.

Dated: September 22, 2020  
New York, New York



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE